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**CERTIFICATE OF FACSIMILE**

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on December 8, 2005.

Total Pages including this sheet: 4

Rhonda Zaffino  
Rhonda Zaffino

In Re Application of:

Jeffrey R. Sampson

Serial No.: 09/358,141

Filed: 07/20/1999

For: **Method of Producing Nucleic Acid  
Molecules with Reduced Secondary Structure**

Confirmation No.: 1170

Group Art Unit: 1635

Examiner: Zara, Jane J.

Docket No. 10990393-1 (50113-1280)

The following is a list of documents enclosed:

Notice of Appeal (in duplicate)  
Transmittal with Notice of Appeal

Further, the Commissioner is authorized to charge Deposit Account No. 50-1078 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 50-1078.

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AGILENT TECHNOLOGIES, INC.  
Legal Department, DL428  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10990393-1

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Jeffrey R. Sampson

Serial No.: 09/358,141

Examiner: Zara, Jane J.

Filing Date: July 20, 1999

Group Art Unit: 1635

Title: Method of Producing Nucleic Acid Molecules with Reduced Secondary Structure

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, June 13, 2005, rejecting the following claims

The fee for this Notice of Appeal (37 CFR 1.17(b)) is \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

<input type="checkbox"/>	one month	\$ 120.00
<input type="checkbox"/>	two months	\$ 450.00
<input type="checkbox"/>	three months	\$1020.00
<input type="checkbox"/>	four months	\$1590.00

☐ The extension fee has already been filled in this application.

☒ (b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 50-1078 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

A duplicate copy of this transmittal letter is enclosed.

☐ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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☒ I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile: December 8, 2005

Typed Name: Rhonda Zaffino

Signature: Rhonda Zaffino

Respectfully submitted,

Jeffrey R. Sampson

By

Cynthia J. Lee  
Cynthia J. Lee  
Attorney/Agent for Applicant(s)

Reg. No. 46,033

Date: 12/08/05

Telephone No. (770) 933-9500

Rev 10/04 (N/A/PA/RI)

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12/09/2005 SFELEKE1 00000079 501078 09358141

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

**Jeffrey R. Sampson**

Serial No.: 09/358,141

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For: **Method of Producing Nucleic Acid Molecules with Reduced Secondary Structure****TRANSMITTAL WITH NOTICE OF APPEAL**Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The outstanding final Office Action mailed *June 13, 2005* (Paper No. 20050607) has been carefully considered. In response thereto, Applicant submitted a response within two (2) months of the mailing of the Final Office Action. Therefore, if the reply is filed within 2 months of the date of the final Office action, the shortened statutory period will expire at 3 months from the date of the final rejection or on the date the advisory action is mailed. As of the filing of the instant Notice of Appeal, Applicant has not yet received the Advisory Action. Therefore, it is believed that no extensions are necessary. In the event that the Advisory Action is mailed concurrently with the filing of the instant Notice of Appeal, and one month extension of time is due, the such extension is hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to deposit account no. 50-1078.

Respectfully submitted,

  
Cynthia J. Lee, Reg. No. 46,033THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.  
Suite 1750  
100 Galleria Parkway N.W.  
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